

JUDGE BRIANT

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

RICHARD VACCARIELLO on behalf of himself
and all others similarly situated

SUMMONS IN A CIVIL ACTION

V.
XM SATELLITE RADIO INC.

CASE NUMBER:

08 CIV 5336

TO: (Name and address of Defendant)

XM SATELLITE RADIO INC.
C/O Registered Agent
C T CORORATION SYSTEM
111 EIGHT AVENUE
NEW YORK, NY 10011

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

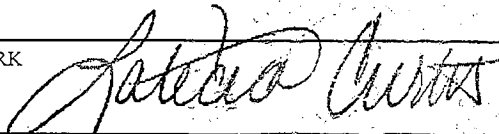
WOLF POPPER LLP
845 THIRD AVENUE
NEW YORK, NY 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUN 11 2008

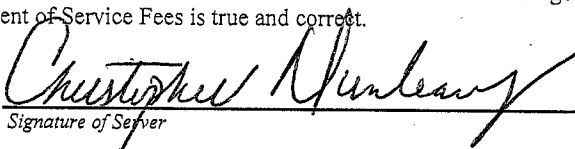
CLERK



DATE

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>6-11-08</u>	
NAME OF SERVER (PRINT) <u>Christopher Dunleavy</u>	TITLE <u>Law Clerk</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>Xm Satellite Radio Inc c/o Registered Agent - CT Corporation System, 111 Right Ave. New York 10001 (Nora Dindya - Process Clerk - accepted)</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
<input type="checkbox"/> Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify): <u>Served Summons & Complaint with Rules of Judge Breanin & Magistrate Judge Fox</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>6-11-08</u> <div style="text-align: center; font-size: small;">Date</div>	<div style="text-align: center;">  Signature of Server </div> <div style="text-align: center; margin-top: 20px;"> <u>845 Third Ave., NY 10022</u> Address of Server </div>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.